

Appl. No. 10/665,663
Atty. Docket No. 9075ML
Amtd. dated 06/27/2006
Reply to Office Action of 03/31/2006
Customer No. 27752

REMARKS

Claims 1-5, and 7-19 remain in the instant Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Claims 1 and 3 have been amended to change the description of the first secondary functional element. Support for the amendment is in the original claims.

Rejection Under 35 USC §112, First Paragraph

The Office Action States that applicant's earlier amendment to claim 15, section (c) after the initial Office Action as regards the phrase "disposed upon, and integral with" appears to be new matter, as no support has ever been pointed out and the Examiner has been unable to find where any suitable express or inherent support exists. Additionally, the term "active side" has, as noted above, apparently not been defined in the specification and as such also appears to be nonenabling to one of ordinary skill.

Applicant respectfully directs the attention of the Office to the first and second paragraphs of page 3 of the specification. These paragraphs provide that the protrusions of the material may have a secondary functional element deposited thereon, and that the protrusions may contain the secondary functional element. Applicant submits that this portion of the specification supports the language of the amended claims.

Applicant also directs the attention of the Office to col. 5, line 52 – col. 6, line 34 of US patent 6,194,062, incorporated by reference into the instant application which describes the active side of a web material. Applicant believes that these portions of the specification and incorporated reference satisfy the requirements of 35 USC §112 P1 with regard to the language of the rejected claims. Applicant respectfully requests that the rejection under 35 USC §112 P1, be reconsidered and withdrawn.

Rejection Under 35 USC §112 P2

The Office Action rejects claims 1-5 and 7-19 under 35 USC §112 P2 as being indefinite for failing to particularly point out and distinctly claim the invention. The Office points to a number of "informalities" in the claim language.

Specifically, the Office Action provides that adhesive may be a secondary functional element. Applicant respectfully submits that since adhesive is claimed as an element that is

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distinct from the secondary functional element, that by Applicant's language, adhesive is excluded from being the secondary functional element. Applicant submits that the adhesive is the primary functional element of the material.

Claim 1 has been amended to increase the clarity of the language with regard to the first and second secondary functional elements.

Applicant submits that the language, disposable beyond said protrusions, is clear in light of the specification taken as a whole. From the specification it is clear that the protrusions serve to isolate the adhesive and secondary functional elements from contact with a surface until such contact is desired. At the time that contact is desired, the active elements must be disposed beyond the protrusions for contact to occur.

The phrases chemical means and physical means are described in the specification in a clear manner and the claims provide that the secondary functional element may comprise a chemical means as described or a physical means as described or a combination of these. Chemical means and physical means are encompassing terms for a number of different functional elements that may comprise a portion of the invention. These elements are described in the specification.

First active side is described in US 6,194,062 as provided above.

Applicant submits that in view of the current amendments to the claims and the above remarks, that the language of the claims satisfies the requirements of 35 USC §112 P2, and that this rejection should be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §103

Claims 1- 5 and 7 - 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hamilton, et al., U.S. Patent No. 5,968,633. Applicants respectfully request the Examiner to consider the following comments with regard to the Hamilton reference over the instant rejection. The Hamilton reference does not teach or suggest any of the claimed combinations. The reference does not teach the disposition of the adhesive together with a first secondary functional element in combination with a second secondary functional element disposed in the web material. The reference does not teach an adhesive disposed with a secondary functional element disposed within the web material or the combination of an adhesive disposed between protrusions together with a secondary functional element disposed integral with the protrusions.. That portion of the reference cited

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by the Office describes portions of these combinations but does not teach or suggest all of the elements of any of the claimed combinations in a single embodiment.

The reference fails to teach or suggest each of the limitations of the invention as claimed. The reference does not support a *prima facie* case of obviousness under 35 USC §103(a). Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By _____



Signature

David K. Mattheis

Typed or Printed Name

Registration No. 48,683

(513) 634-9359

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